

FILED
DISTRICT COURT OF GUAM

FEB 15 2006 *AB*

MARY L.M. MORAN
CLERK OF COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE
TERRITORY OF GUAM**

UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 05-00053-003
Plaintiff,)
)
vs.) SUPPLEMENTAL
) DECLARATION IN SUPPORT OF PETITION
JOHN V. CRUZ)
Defendant.)

Re: Supplemental Violation Report

I, U.S. Probation Officer Specialist Carmen D. O'Mallan, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of pretrial for John V. Cruz, and in that capacity declare as follows:

On February 7, 2006, a Petition for Action on Conditions of Pretrial Release was filed with the Court after Mr. Cruz failed to show for urinalysis on January 7, 16, and 20, 2006. The petition also alleged that Mr. Cruz failed to file a monthly supervision report in January 2006, and failed to report to the probation officer on January 9, 2006 as scheduled. Mr. Cruz is alleged to have violated the following conditions:

Special Condition: *The defendant shall submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a wrist patch, a remote alcohol testing system, and/or any form of prohibited substance screening at testing.* On February 7, 10, and 13, 2006, Mr. Cruz failed to show for urinalyses.

Special Condition: *The defendant shall report to the probation officer as directed.* Mr. Cruz failed to file a monthly supervision report for January 2006 in February 2006.

SUPPLEMENTAL DECLARATION IN SUPPORT OF PETITION

Supplemental Violation Report

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Recommendation: The Probation Officer respectfully requests that pursuant to 18 U.S.C. § 3148, these violations also be considered at the hearing scheduled for February 15, 2006.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Executed this 15th day of February 2006, at Hagatna, Guam, in conformance with the provisions of 28 U.S.C. § 1746.

Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By: 
CARMEN D. O'MALLAN
U.S. Probation Officer Specialist

Reviewed by:


FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

cc: Russell C. Stoddard, Assistant U.S. Attorney
Joaquin C. Arriola, Jr. Defense Attorney
File